

3141. Confidential Correspondence.
Sections (a) and (b) are unchanged.

(c) Persons and staff members of persons with whom inmates may correspond confidentially include:

- (1) All state and federal elected officials.
- (2) All state and federal officials appointed by the governor or the President of the United States.
- (3) All city, county, state and federal officials having responsibility for the inmate's present, prior or anticipated custody, parole or probation supervision.
- (4) County agencies regarding child custody proceedings, as clearly identified in the communication.
- (5) All state and federal judges and courts.
- (6) An attorney at law listed with a state bar association.
- (7) The director, chief deputy director, deputy directors, assistant directors, executive assistant to the director, and the chief, inmate appeals, of the Department of Corrections.
- (8) Legitimate legal service organizations including, but not limited to: the American Civil Liberties Union, the Prison Law Office, the Young Lawyers Section of the American Bar Association, and the National Association of Criminal Defense Lawyers.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; *In re Jordan*, 12 CA 3rd 575 (1974); and *King v. Borg*, USDC-ED Case No. CIV. S-87-0519 LKK/PAN/P.

3178. Appeals Relating to Visiting.

Inmates, visitors, and visiting applicants may appeal department policy and regulations as well as institution procedures and practices relating to visiting. All formal appeals are to be submitted in writing.

(a) Inmates will use the established inmate appeal procedures as provided in Section 3084 et seq.

Section 3178(b) is unchanged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3282. Use of Telephones by Inmates.

(a) For purposes of this section:

(1) An "emergency call" means a telephone call regarding the serious illness or injury, or the death of an inmate's immediate family member.

(2) A "confidential call" means a telephone call between an inmate and his/her attorney which both parties intend to be private.

(3) An "inmate telephone" means a telephone designated solely to accommodate inmate-originated nonconfidential personal calls.

(4) An "intrafacility telephone" means a telephone which is not capable of direct-dial connections to telephones outside of the facility.

(5) A "prison telephone" means a telephone that is capable of outside access and is not monitored or recorded.

(b) Facilities shall provide inmate telephones for use by general population inmates. Inmates may place collect telephone calls to persons outside the facility at designated times and on designated telephones, as set forth in local procedures. Limitations may be placed on the frequency and length of such calls based on the inmate's privilege group as outlined in section 3044, and to ensure equal access. Telephone calls requiring the use of a Telecommunication Device for the Deaf (TDD) or voice relay service shall have extended time scheduled due to the time delay which results from the TDD relay process.

(c) An inmate shall not:

(1) Use an intrafacility telephone except as specifically required or authorized by staff.

(2) Use a telephone capable of direct-dial connection with a public telephone system, except as authorized by staff.

(3) Charge a call to a credit card.

(4) Place a third party call.

(5) Ask the operator for an emergency interruption.

(6) Place a call to an "800," "900," "976," "911,"

"411," or other special service number. Inmates that have a verified need to utilize the (1-800) TDD or relay service shall notify the correctional staff to facilitate the (1-800) TDD call.

(7) Place a call to an inmate at any other facility.

(8) Place calls to victims, peace officers, or other persons who have made an official written request not to receive telephone calls.

(9) Knowingly participates in a forwarded, transferred, or three-party call on an inmate telephone.

(d) Except as provided in this section, no limitation shall be placed on the identities or relationships of persons to whom an inmate may place a collect call.

(e) All inmate calls placed on intrafacility and inmate telephones may be subject to monitoring and recording at any time by institution staff.

(f) A conspicuous notice in English and Spanish shall be posted at each inmate telephone capable of recording and monitoring stating in both languages: "All numbers dialed and conversations on this telephone may be recorded and may be monitored without any further notice. By using this telephone, you agree to the monitoring and recording. It is your responsibility to notify the person called that their conversation and telephone number may be monitored and recorded." Staff who authorize an inmate to use an unposted telephone for a nonconfidential call shall inform that inmate before the call is made regarding the notice of monitoring/recording requirement.

(g) If staff designated by the institution head determine that an incoming call concerns an emergency or confidential matter, the caller's name and telephone number shall be obtained and the inmate promptly notified of the situation. The inmate shall be permitted to place an emergency or confidential call either collect or by providing for the toll to be deducted from the inmate's trust account. A confidential call shall not be made on an inmate telephone and shall not be monitored or recorded.

(1) Confidential calls may be approved on a case-by-case basis by the institution head or designee only upon written request from an inmate's attorney on the attorney's office letterhead stationery. The date, time, duration, and place where the inmate will make or receive the call, and manner of the call are within the discretion of the institution head, except as restricted herein. A confidential call from an inmate shall be placed as a collect call or by providing for the toll to be deducted from the inmate's trust account and made from a prison telephone or, with appropriate authentication of the caller, may be received from an attorney.

(2) It is within the discretion of the institution head, or his/her designee, to approve or deny a confidential call. As long as the attorney/client communication privilege is not violated, a confidential call may be denied where the institution head, or his/her designee, determines that normal legal mail or attorney visits were appropriate means of communication and were

not reasonably utilized by the inmate or attorney. Where demand for confidential calls seriously burdens institutional operations, the institution head, or his/her designee, shall prioritize confidential calls.

(3) Emergency calls on prison telephones between an inmate and clergy, other religious advisors, or health care professionals shall be approved or denied on a case-by-case basis by staff designated by the institution head.

(h) Telecommunication Device for the Deaf (TDD) telephones shall be made available to inmates with a documented severe hearing impairment for personal, emergency, and confidential calls, which shall be subject to the provisions of this section.

(1) Assistive device telephones and additional time on telephones may be necessary to provide accommodations for inmates and their callers with disabilities.

(2) The facility shall provide for the procedures necessary to ensure effective telephone communications for inmates with disabilities and/or the disabled person(s) with whom they are communicating.

(i) All calls made on inmate telephones may have an announcement before and at random intervals during the calls stating that the call is from an inmate at a California state correctional facility and is being recorded.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3376. Classification Committees.

Section (a), (b), and (c) are unchanged.

(d) Classification committee functions:

(1) Initial Classification Committees shall:

(A) Evaluate case factors and assist the inmate to understand facility expectations, available programs, and resources.

(B) Initiate an education, vocational training, or work program; designate a credit earning and privilege group; and assign a custody designation for each inmate.

(C) Refer complex cases to the ICC or FCC.

(D) Recommend transfer of a new arrival determined to be inappropriately placed.

(E) Grant work credits to which the inmate is entitled while in transit.

(2) Unit Classification Committees shall:

(A) Review each inmate's case at least annually to consider the accuracy of the inmates classification score, custody designation,

program, work and privilege group, and facility placement, including recommendation for transfer. A parole violator's first annual review may be delayed for up to five months so that it will coincide with classification score updates.

(B) Conduct post board classification on an inmate within 15 days of receipt of official notice of a Board of Prison Terms' decision regarding the inmate.

(C) Act on an inmate's request for restoration of forfeited credits for less than Division C offenses in accordance with section 3327.

(3) Institution and Facility Classification Committees shall:

(A) Recommend transfer of inmates.

(B) Act on cases referred by lower committees.

(C) Review inmate requests for meritorious sentence reduction to determine compliance with Penal Code section 2935.

(D) Make referrals and recommendations through the chief, classification services, for cases requiring Departmental Review Board (DRB) decisions.

(E) Change an inmate's privilege group.

(4) Camp classification committees shall perform all functions designated above for unit and initial classification committees.

NOTE: Authority cited: Sections 3303 and 3309, Welfare & Institutions Code; and Sections 5058 and 6252, Penal Code. Reference: Sections 2933, 5054 and 5068, Penal Code.